

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,

Plaintiff,

v.

LARRY D. WILLIAMS,

Defendant.

Case No. 06-CR-40029-JPG

MEMORANDUM AND ORDER

This matter comes before the Court on defendant Larry D. Williams's *pro se* motion for a reduction of his criminal sentence pursuant to 18 U.S.C. § 3582(c)(2) and United States Sentencing Guideline Manual ("U.S.S.G.") § 1B1.10 (Doc. 475).

Section 3582(c)(2) allows the Court to reduce a defendant's previously imposed sentence where "a defendant . . . has been sentenced to a term of imprisonment based on a sentencing range that has subsequently been lowered by the Sentencing Commission pursuant to 28 U.S.C. 994(o)" and if "such a reduction is consistent with the applicable policy statements issued by the Sentencing Commission." 18 U.S.C. § 3582(c)(2). "If that first condition is not met, a district court lacks subject-matter jurisdiction to consider the movant's request for a sentence reduction under § 3582(c)(2)." *United States v. Forman* 553 F.3d 585, 588 (7th Cir.2009).

Williams was sentenced on July 21, 2008. Amendments 706 and 711, which amended U.S.S.G. § 2D1.1(c), took effect as of November 1, 2007. Therefore, Williams was sentenced under the Guidelines as amended, and received the benefit at that time of the lowered sentencing ranges. Accordingly, he was not sentenced to a term of imprisonment based on a sentencing range that has subsequently been lowered. Therefore, the Court **DISMISSES** this Motion for

lack of jurisdiction (Doc. 475).

IT IS SO ORDERED.
DATED: May 14, 2009

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE